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By Office of the Commission Secretary at 4:26 pm, Mar 27, 2018



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

March 27, 2018

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *SWH for*
Staff Director

FROM: Patricia C. Orrock *DC* for PCO
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: Kristin D. Roser/Ben Holly *KDR BH*
Reports Analysis Division
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2017 Year-End Report for the
Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2017 Year-End Report in accordance with 52 U.S.C. § 30104(a). The Year-End Report was due on January 31, 2018.

The committees listed in the attached RTB Circulation Report either failed to file the report or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 C.F.R. 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committees and their treasurers, in their official capacity, listed on the RTB Circulation Report violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

3/28/2018 9:13 AM

Federal Election Commission
Reason to Believe Circulation Report
2017 YEAR-END Not Election Sensitive 01/31/2018 H_S_P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
3355	C00623256	AMERICA COMES FIRST PAC		DAVID W. SCHAMENS	\$154,404	4		Not Filed	\$154,404 (est)	\$15,594
3356	C00603563	LIBERTY ACTION GROUP		JOEY CAMMER	\$278,948	2		Not Filed	\$139,473 (est)	\$9,570
3357	C00008845	MONTGOMERY COUNTY DEMOCRATIC CENTRAL COMMITTEE		JULIAN HAFFNER	\$108,065	0		Not Filed	\$108,065 (est)	\$6,380
3358	C00640755	ROZA CALDERON FOR CONGRESS 2018	ROZA I. CALDERON	MICHAEL WILKINS	\$129,352	0	3/16/2018	Not Filed	\$27,057	\$1,200
3359	C00581314	TAYLOR GRIFFIN FOR CONGRESS	WILLIAM TAYLOR GRIFFIN	TAYLOR GRIFFIN	\$119,588	3		Not Filed	\$119,588 (est)	\$11,165

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2017)
Year-End Report for the Administrative)
Fine Program:)
AMERICA COMES FIRST PAC, and) AF# 3355
SCHAMENS, DAVID W MR. as treasurer;)
LIBERTY ACTION GROUP, and) AF# 3356
CAMMER, JOEY as treasurer;)
MONTGOMERY COUNTY) AF# 3357
DEMOCRATIC CENTRAL)
COMMITTEE, and HAFFNER, JULIAN as)
treasurer;)
ROZA CALDERON FOR CONGRESS) AF# 3358
2018, and WILLIAMS, MICHAEL as)
treasurer;)
TAYLOR GRIFFIN FOR CONGRESS, and) AF# 3359
GRIFFIN, TAYLOR as treasurer;)

CERTIFICATION

I, Laura E. Sinram, Deputy Secretary of the Federal Election Commission, do hereby certify that on April 02, 2018 the Commission took the following actions on the Reason To Believe Recommendation - 2017 Year-End Report for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated March 27, 2018, on the following committees:

AF#3355 Decided by a vote of 4-0 to: (1) find reason to believe that AMERICA COMES FIRST PAC, and SCHAMENS, DAVID W MR. in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil

money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#3356 Decided by a vote of 4-0 to: (1) find reason to believe that LIBERTY ACTION GROUP, and CAMMER, JOEY in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#3357 Decided by a vote of 4-0 to: (1) find reason to believe that MONTGOMERY COUNTY DEMOCRATIC CENTRAL COMMITTEE, and HAFFNER, JULIAN in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

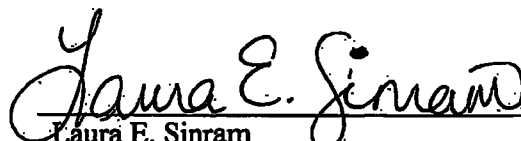
AF#3358 Decided by a vote of 4-0 to: (1) find reason to believe that ROZA CALDERON FOR CONGRESS 2018, and WILLIAMS, MICHAEL in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#3359 Decided by a vote of 4-0 to: (1) find reason to believe that TAYLOR GRIFFIN FOR CONGRESS, and GRIFFIN, TAYLOR in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

4/4/18

Date



Laura E. Sinram
Deputy Secretary of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 5, 2018

Joey Cammer, in official capacity as Treasurer
Liberty Action Group
600 Congress Avenue
Austin, TX 78701

C00603563
AF#: 3356

Dear Mr. Cammer:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a Year-End Report of Receipts and Disbursements every calendar year. This report, covering the period July 1, 2017 through December 31, 2017, shall be filed no later than January 31, 2018. 52 U.S.C. § 30104(a). Because records at the Federal Election Commission ("FEC") indicate that you did not file this report within thirty (30) days of the due date, the report is considered not filed for the purpose of calculating the civil money penalty. You should file this report if you have not already done so.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109(a)(4). On April 2, 2018, the FEC found that there is reason to believe ("RTB") that Liberty Action Group and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file timely this report on or before January 31, 2018. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$9,570. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$9,570 is due within forty (40) days of the finding, or by May 12, 2018, and is based on these factors:

Sensitivity of Report: Not Election Sensitive
Level of Activity: \$139,473
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 2

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response to the FEC's Office of Administrative Review, 1050 First Street, NE, Washington, DC 20002. Your response must include the AF# (found at the top of page 1 under your committee's identification number) and be received within forty (40) days of the Commission's RTB finding, or May 12, 2018. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. District Court under 52 U.S.C. § 30109. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Liberty Action Group and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate

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action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, follow the payment instructions on page 4 of this letter. Upon receipt of your payment, the FEC will send you a final determination letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

5. Settlement Offers

Any offer to settle or compromise a debt owed to the Commission, including making a payment in an amount less than the calculated civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 52 U.S.C. § 30109(a)(2). Unless you notify the FEC in writing that you wish the matter to be made public, it will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and 30109(a)(12)(A) until it is placed on the public record at the conclusion of this matter in accordance with 11 CFR § 111.42.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Ben Holly in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,

Carole C. Hunter

Caroline C. Hunter
Chair

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$9,570 for the 2017 Year-End Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit www.fec.gov/af/pay.shtml to be directed to Pay.gov's Administrative Fine Program Payment form.

This penalty may also be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please send to:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Liberty Action Group

FEC ID#: C00603563

AF#: 3356

PAYMENT DUE DATE: May 12, 2018

PAYMENT AMOUNT DUE: \$9,570



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT

2018 OCT 10 AM 8:34

SENSITIVE

October 9, 2018

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *AP* *MMH*
Staff Director

FROM: Patricia C. Orrock *PCO*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: *KDR* Kristin D. Roser/Ben Holly *BH*
Reports Analysis Division
Compliance Branch

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the
2017 Year-End Report (Quarterly Filers)

Attached is a list identifying political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2017 Year-End Report. The committees have not paid the civil money penalties requested at RTB and have been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR § 111.40, the Commission shall send a final determination notice to those respondents that have not paid the civil money penalty.

Reports Analysis Division (RAD) recommends that the Commission take no further action against Taylor Griffin for Congress (AF 3359)

As such, RAD recommends that the Commission take no action against this committee. Please note that this recommendation is in keeping with prior Commission actions which have allowed for the exclusion of defunct committees.

In addition, two (2) committees disclosed a level of activity after the RTB finding which would result in a lowered civil money penalty. An overview of these cases has been provided below.

Liberty Action Group (AF 3356) disclosed no activity after the RTB finding (previously estimated to be \$139,473), which would result in no civil money penalty (fine previously assessed to be \$9,570).

Montgomery County Democratic Central Committee (AF 3357) filed the 2017 Year-End Report after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$79,425 (previously estimated to be \$108,065), thus the fine would be lowered from \$6,380 to \$4,961.

For your information, one (1) committee disclosed a change in treasurer after the RTB finding. An overview of this case is provided below.

Montgomery County Democratic Central Committee (AF 3357) filed an Amended Statement of Organization after the RTB finding designating Dave Kunes as Treasurer.

RAD Recommendation

- (1) Make a final determination that the political committees and their treasurers, in their official capacity, listed on the attached report violated 52 U.S.C. § 30104(a) and assess the final civil money penalties so indicated.

- 180624ZNYNY077

10/9/2018 12:34 PM

Federal Election Commission
FD Circulation Report Fine Not Paid
2017 YEAR-END Not Election Sensitive 01/31/2018 H_S_P_UNAUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LGA	PV	RTS Date	RTS Penalty	Days Since RTS	FD Penalty
3355	AMERICA COMES FIRST PAC		C00823266	DAVID W. SCHAMENS		Not Filed	\$164,404 (est)	4	04/02/2018	\$15,594	190	\$15,594
3356	LIBERTY ACTION GROUP		C00803583	JOEY CAMMER		Not Filed	\$0	2	04/02/2018	\$9,670	190	NONE
3357	MONTGOMERY COUNTY DEMOCRATIC CENTRAL COMMITTEE		C00009845	DAVE KUNES	04/10/2018	69 (Not Filed*)	\$79,425	0	04/02/2018	\$9,380	190	\$4,981
3358	ROZA CALDERON FOR CONGRESS 2018	ROZA L CALDERON	C00640755	MICHAEL WILLIAMS	03/16/2018	44 (Not Filed*)	\$27,057	0	04/02/2018	\$1,200	190	\$1,200
3359	TAYLOR GRIFFIN FOR CONGRESS	WILLIAM TAYLOR GRIFFIN	C00581314	TAYLOR GRIFFIN		Not Filed	\$119,598 (est)	3	04/02/2018	\$11,165	190	NFA

* The committee filed their report more than thirty (30) days after the report due date; therefore, per 11 C.F.R. 111.43(e), the report is considered to be not filed.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AF 3356
Administrative Fine Program - Final)
Determination Recommendation for the)
2017 Year-End Report (Quarterly Filers):)
Liberty Action Group and Joey Cammer)
in his official capacity as Treasurer)

CERTIFICATION

I, Dayna C. Brown, Secretary and Clerk of the Federal Election
Commission, do hereby certify that on October 15, 2018, the Commission
decided by a vote of 4-0 to take the following actions in AF 3356:

1. Make a final determination that Liberty Action Group and Joe
Cammer, in his official capacity as Treasurer, violated 52 U.S.C.
§ 30104(a) and will not be assessed a civil money penalty.
2. Send the appropriate letter.

Commissioners Hunter, Petersen, Walther, and Weintraub voted
affirmatively for the decision.

Attest:

October 15, 2018
Date

Dayna C. Brown
Dayna C. Brown
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 15, 2018

Joey Cammer, in official capacity as Treasurer
Liberty Action Group
600 Congress Avenue
Austin, TX 78701

C00603563
AF#: 3356

Dear Mr. Cammer:

On April 2, 2018, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Liberty Action Group and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) for filing late or failing to file the 2017 Year-End Report. By letter dated April 5, 2018, the Commission notified you of the RTB finding and the preliminary civil money penalty calculated at the RTB stage to be \$9,570 in accordance with the schedule of penalties at 11 CFR § 111.43. Please note that you must file the 2017 Year-End Report in the appropriate format if you have not already done so for your report to be considered filed.

Since that time, the amount of the civil money penalty has been changed to reflect the actual level of activity disclosed in the miscellaneous document dated May 8, 2018. The FEC made a final determination on October 15, 2018 that Liberty Action Group and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a), assessed no civil money penalty in accordance with 11 CFR § 111.43, and voted to close the file.

The confidentiality provisions at 52 U.S.C. § 30109(a)(12) no longer apply and this matter is now public. Pursuant to 11 CFR §§ 111.42(b) and 111.20(c), the file will be placed on the public record within thirty (30) days from the date of this notification.

If you have any questions regarding this matter, please contact Ben Holly on our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

On behalf of the Commission,

A handwritten signature in cursive script that reads "Carol C. Hunter".

Caroline C. Hunter
Chair

1-800-NUMBER-1